Police is a relatively modern phenomenon started in the 15th and 16th centuries in England and Germany. Modern Anglo-American police are rooted in urban development and the hiring of private watchmen and guards for merchant or guild spaces. Their role in governance and upholding of the law/constitution is ambiguous, really—ask any policeman what his primary purpose is, and the answers will be something like: “To enforce order,” “To get bad guys,” “Getting criminals off the streets,” “Fighting crime,” etc. None of these has anything concrete to do with law or the constitution. In fact, the liberal philosophers whose ideas America was founded on have a strong role for social contracts, and for punishment, but not for policing. Policing in its contemporary iteration is a deeply flawed institution. In 2001, Captain Roy Davis reports on this phenomenon in the Oakland Police Department, where he was leading sessions on racial profiling. He asked officers about their oath to the Constitution. “Well, that’s the oath,” one said, “but everyone knows what this job is really about.”

Enforcing order and disciplining bodies that occur outside that order are the central roles of the police. And I don’t even mean that they necessarily are using violence all the time to do this. The presence of police is a disciplinary, control function. Indeed, stopping crime is only a minor function of police. The overwhelming majority of calls for police assistance are “service” rather than crime related: in an average year only 15 to 20 percent of all the calls to the police are about crime, and what is initially reported by the police as a crime is often found to be not a crime by the responding police officer. Studies have shown that less than a third of time spent on duty is on crime-related work; that approximately eight out of ten incidents handled by patrols by a range of different police departments are regarded by the police themselves as non-criminal matters; that the percentage of police effort devoted to traditional criminal law matters probably does not exceed 10 percent; that as little as 6 percent of a patrol officer’s time is spent on incidents finally defined as “criminal”; and that only a very small number of criminal offenses are discovered by the police themselves. Moreover, most of the time the police do not use the criminal law to restore order. In the USA police officers make an average of one arrest every two weeks; one study found that among 156 officers assigned to a high-crime area of New York City, 40 per cent did not make a single felony arrest in a year.

In public, police make some people feel comforted, protected. They provide these people a civil service. They make others feel watched, frightened, kept “in line.” Where does the divide between these two groups occur? Why do certain people (white, cis, straight presenting folks) feel protected by the police? Why do queer people not feel that same protection? Why do my black friends not? Police discipline and control. This has little to with the the actual law and more to do with what people are considered a detriment to civil society, and which lives are seen as valuable.

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